

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

- 1. Plaintiff/Deceased Party:**

## Timothy Case

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

## Florida Middle District Court

8. Defendants (check Defendants against whom Complaint is made):

 C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

## Diversity of Citizenship

Other:

Complaints

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
  - G2® Vena Cava Filter
  - G2® Express (G2®X) Vena Cava Filter
  - Eclipse® Vena Cava Filter
  - Meridian® Vena Cava Filter
  - Denali® Vena Cava Filter
  - Other: Eclipse Femoral

11. Date of Implantation as to each product:

March 15, 2011

**12. Counts in the Master Complaint brought by Plaintiff(s):**

- Count I: Strict Products Liability – Manufacturing Defect
  - Count II: Strict Products Liability – Information Defect (Failure to Warn)
  - Count III: Strict Products Liability – Design Defect
  - Count IV: Negligence - Design
  - Count V: Negligence - Manufacture
  - Count VI: Negligence – Failure to Recall/Retrofit
  - Count VII: Negligence – Failure to Warn
  - Count VIII: Negligent Misrepresentation
  - Count IX: Negligence *Per Se*

- Count X: Breach of Express Warranty
  - Count XI: Breach of Implied Warranty
  - Count XII: Fraudulent Misrepresentation
  - Count XIII: Fraudulent Concealment
  - Count XIV: Violations of Applicable GeorgiaFlorida Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
  - Count XV: Loss of Consortium
  - Count XVI: Wrongful Death
  - Count XVII: Survival
  - Punitive Damages
  - Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact including for the following: (please state the facts supporting this Count in the space immediately below)

On March 15, 2011, Mr. Case had a Bard Eclipse-Femoral filter installed into his inferior vena cava. As a result Mr. Case has suffered damages in an amount to be proven at trial.

13. Jury Trial demanded for all issues so triable?

- Yes  
 No

1 RESPECTFULLY SUBMITTED this **18<sup>th</sup>** day of May, 2016.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/ Robert W. Boatman

4 Robert W. Boatman

5 Mark S. O'Connor

6 Paul L. Stoller

7 Shannon L. Clark

8 C. Lincoln Combs

9 2575 East Camelback Road

10 Phoenix, Arizona 85016-9225

11 *Attorneys for Plaintiffs*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this **18<sup>th</sup>** day of May, 2016, I electronically transmitted the  
14 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal  
15 of a Notice of Electronic Filing.

16 /s/Deborah Yanazzo